



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

September 22, 1994

Ms. Sheree L. Rabe
Assistant Attorney
City of Georgetown
P.O. Box 409
Georgetown, Texas 78627-0409

OR94-580

Dear Ms. Rabe:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 27735.

The City of Georgetown has received a request for city records related to a charge of public intoxication. You advise that the matter is still pending and that the city intends to prosecute. You say that, of the requested records, the city has released or will release the booking slip and the "first page of the arrest report" but wishes to withhold the rest of the requested information on the basis of the "law enforcement" exception, section 552.108. Section 552.108 excepts from disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime
- (b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution

We have examined the information at issue. Assuming that the city has released or will release "first page offense report" material which the *Houston Chronicle* court held to be open, we conclude that you may withhold the information you wish to withhold on the basis of 552.108. See *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'William Walker', with a long horizontal flourish extending to the right.

William Walker
Assistant Attorney General
Open Government Section

WMW/MAR/rho

Ref.: ID# 27735

Enclosures: Submitted documents

cc: Mr. Donald Cory Clahane
1402 #B Leander Road
Georgetown, Texas 78628
(w/o enclosures)